



**SEXUAL HARASSMENT  
POLICY**

*December 26, 2019*

## **Sexual Harassment**

Any type of sexual harassment is against APAO policy and is strictly prohibited by all employees of the APAO, including supervising administration. Certain forms of sexual harassment can be considered to be unlawful. Should an alleged incident rise to this level, the APAO administration will report the incident to authorities immediately.

Sexually inappropriate behavior can take many forms including unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such inappropriate behavior may be by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager, or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, contractor, client, or visitor to APAO. Finally, an employee may be the victim of inappropriate behavior even though not the target of such behavior.

Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature such as rape, sexual battery, molestation or attempts to commit these assaults and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in the APAO workplace by the APAO employees.
- Retaliation of any nature for sexual harassment complaints.

Any employee who feels that he/she has been sexually harassed should report the situation to the Chief Deputy. If an employee has a complaint against the Chief Deputy, they should report this directly to the Assessor immediately. If an employee files a complaint and feels the Chief Deputy does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to the Assessor immediately.

This policy establishes a procedure to report and address complaints of sexually inappropriate behavior. This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights(LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior. An employee has the right to contact the local Equal Employment Opportunity Commission - New Orleans District Office at 500 Poydras St., Suite 800, New Orleans, Louisiana. Phone: 1-800-669-4000 or Louisiana Commission of Human Rights at 1001 N. 23rd St., Baton Rouge, Louisiana. Phone: 1-225-342-6969 to file a complaint.

Sexual harassment undermines employee morale, interferes with productivity, and causes hostility between employees and Administration. Administration will not tolerate sexual harassment and will take immediate appropriate action to end sexual harassment and to prevent the re-occurrence of any such misconduct. Administration will investigate all complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately. Whether or not a particular incident is the result of a social relationship it requires an immediate factual and thorough investigation.

The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed. The investigative process will be memorialized, requiring that all involved prepare written statements or provide verbal statements that will be recorded. Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees do not have the option of remaining silent or declining to be involved. Given the nature of this type of discrimination, Administration recognizes that false accusations of sexual harassment can also have serious effects on innocent individuals. Therefore, the investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.

To initiate a formal investigation into an alleged violation of this policy, employees will be asked to provide a written statement about the alleged misconduct to the Chief Deputy and/or the Assessor. Complaints should be submitted as soon as possible after an incident has occurred. The Chief Deputy and/or the Assessor may assist the complainant in completing the statement. To ensure the prompt and thorough investigation of a harassment complaint, the complainant should provide as much of the following information as is possible:

1. The name, department, and position of the person or persons allegedly causing the harassment.
2. A description of the incident(s) including the date(s), location(s), and the presence of any witnesses.
3. The effect of the incident(s) on the complainant's ability to perform his or her job or on other terms and conditions of his or her employment.
4. The names of other individuals who might have been subject to the same or similar harassment.

5. What, if any, steps the complainant has taken to try to stop the sexual harassment. (Please note employees are not expected to handle any sexual harassment situation on their own at any time)
6. Any other information the complainant believes to be relevant to the sexual harassment complaint.

All inquiries, complaints, and documentation of investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant may be revealed to the respondent and witnesses. The Chief Deputy and/or the Assessor will take adequate steps to ensure that the complainant is protected from retaliation. All information pertaining to a sexual harassment complaint or investigation is maintained by The Chief Deputy and/or the Assessor in secure files. The Chief Deputy and/or the Assessor can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

Administration will not retaliate against nor tolerate any retaliation against any employee because of reports of alleged sexual harassment or because of cooperation with any investigation.

Administration may consult with its attorneys in order to determine whether any conduct found to have occurred constitutes sexual harassment, as well as if a criminal law has been violated. If sexual harassment is found to have occurred, Administration will make subsequent inquiries; this is to ensure that any such sexual harassment has not resumed and that the complainants/witnesses of any such harassment have not suffered any sort retaliation during or after the investigation and throughout the duration of their employment with the APAO.

Upon completion of the investigation, the Chief Deputy will apprise the Assessor of the outcome and recommendations for resolution. The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved. Any employee, manager, or supervisor found by Administration, after appropriate investigation, to have sexually harassed another employee will be disciplined in accordance with applicable laws. Such action may include counseling, reprimand, suspension, demotion, or termination.

The APAO adheres to the highest legal and non-harassment standards applicable. APAO operations are conducted in strict observance of all applicable laws and the integrity of each employee is of the utmost importance. All employees will be notified annually of their rights against sexual harassment, as well as their requirements as a public servant to comply with the sexual harassment prevention policy of this office. All employees of the APAO are required annually to complete the required one hour sexual harassment prevention training course set forth by the APAO. The Assessor and Chief Deputy require an additional one hour of sexual harassment prevention training and education. Failure to complete this mandatory training will result in disciplinary actions.

The Chief Deputy will compile an annual report by February first of each year containing information from the previous calendar year regarding the Agency's compliance with the requirements of RS 42:341-344. This report will include the number and percentage of public

servants in the agency who have completed the training requirements, the number of sexual harassment complaints received by the agency, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. This report will be public record and available to the public in the manner provided by the Public Records Law.